

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 6053 of 2005

Petitioners	1.	Sukahu, aged about 48 years, son of Shri Pakala, Occupation- agriculturist.
	2.	Gangaram, aged about 46 years, son of Gamniram, Occupation- agriculturist. Both are resident of village- Barela, Vikas Khand, Mungeli, District- Bilaspur.
	Versus	
Respondents	1.	State of Chhattisgarh, through the Secretary, Department of Panchayat and Social Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.).
	2.	The Collector, District- Bilaspur (C.G.).
	3.	The Sub Divisional Officer, Mungeli, District- Bilaspur (C.G.).
	4.	Sarpanch, Gram Panchayat Barela, Vikas Khand Mungeli, District - Bilaspur (C.G.).
	5.	Up Sarpanch, Gram Panchayat Barela, Vikas Khand Mungeli, District- Bilaspur (C.G.)
	6.	Secretary, Gram Panchayat Barela, Vikas Khand Mungeli, District- Bilaspur (C.G.).

Single Bench : Hon'ble Mr. Justice S. R. Nayak, C.J.

Mr. Anil Singh Rajput, Advocate for the petitioners.

Mr. Parag Kotecha, Panel lawyer for respondents No. 1 to 3.

Mr. Malay Bhaduri, Advocate for Respondent No.4.

ORAL ORDER

(9th December, 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. The complaint in this writ petition is that the subject land belongs to the Government and the respondents No. 4 to 6, who are office bearers of the Gram Panchayat Barela, Vikas Khand - Mungeli, District- Bilaspur have highhandedly encroached the Government land and they planed to put up construction. According to the

petitioners, the subject land is a community land which is accessible to the public at large, the village community as a whole. It is complained that though the above highhanded action of the Respondents No. 4 to 6 was brought to the notice of Respondent No.3 the Sub Divisional Officer, Mungeli by representation dated 23.8.2005, he did not take any action to stop respondents No. 4 to 6 from indulging in the illegal activities and that even representation made to the District Collector on 28.10.2005 went in vain. In the circumstances, the petitioners have sought intervention of the Court.

2. Since the petition filed by the petitioners before the third respondent Sub Divisional Officer is pending and since it was brought to my notice by learned Govt. Advocate that the Sub Divisional Officer has called a report from the jurisdictional Tahsildar, there is no necessity to keep this writ petition on the board of this Court. The public interest would be served by directing maintenance of the status quo with regard to the subject property pending decision of the Sub Divisional Officer on the petition filed by the petitioners 1 and 2 herein.
3. Accordingly, this petition is disposed of directing all the respondents to maintain status quo that obtains as on today with regard to the subject property. The Respondents No. 4 to 6 are further directed not to alter the nature of the subject land pending order by the respondent No.3. No costs. The respondent No.3 is directed to dispose of the petition filed by the petitioners as expeditiously as possible, at any rate, within a period of three months from the date of receipt of the copy of this order. The office is directed to forthwith dispatch copy of this order to the third respondent.

Sd/-
Chief Justice